IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

W.A.No. 2306 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.16481/2005 Dated 01/06/2005

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APPELLANT: PETITIONER

M.M.MARY, AGED 56, FORMER LADY HEALTH VISITOR, PRIMARY HEALTH CENTRE, NEDUVA P.O., CHETTIPADI MALAPPURAM DISTRICT, NOW RESIDING AT NEERUMKAL HOUSE, KUMBLERY P.O., SSULTHAN BATHERY, WYNAD DISTRICT.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

1. STATE OF KERALA, REP. BY CHIEF SECRETARY, GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT HEALTH & FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER, MANJERI.

BY ADV. SRI. SANDESH RAJA, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

W.A. NO. 2306 OF 2005

Dated this the 4th day of December, 2006

JUDGMENT

Abdul Gafoor, J

The appellant/writ petitioner was appointed on temporary basis as a Lady Health Visitor on 23.03.1977 and continued as such till 30.06.2002 until she attained the age of superannuation of 55 years. As it was temporary appointment, she was not entitled to any retirement benefits unless the temporary appointment is regularised. In the Writ Petition she claimed for regularisation. But it did not succeed. It is now submitted and agreed by Government Pleader that during the pendency of this Writ Appeal, considering the long temporary services of the petitioner, her services have been now regularised as per order No. FWA 5-120676/00/DHS dated 10.08.2006 along with similarly placed persons. Thus, the service of appellant is regularised retrospectively. Consequently, on her superannuation on 30.06.2002, she will be entitled to consequential retirement

benefits in terms of Part III KSR. The respondent shall work out the benefits and render the same to the appellant within three months from the date of receipt of a copy of this order. The appeal is closed as above.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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